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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,147	04/12/2001	Bruce A Leslie	2001.2.6	1964

21552 7590 07/19/2002

MADSON & METCALF  
GATEWAY TOWER WEST  
SUITE 900  
15 WEST SOUTH TEMPLE  
SALT LAKE CITY, UT 84101

EXAMINER

BEACH, THOMAS A

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 07/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/834,147

Applicant(s)

LESLIE ET AL.

Examiner

Thomas A Beach

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11, 18 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 12-17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-9, 11 and 21-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Little 1,095,355. Little shows a dragline excavator bucket control system with a drag rope and pair of hoist ropes 30, 31 coupled to the opposite ends of the bucket and adjacent to the free end of the boom at spaced support positions 30a, 31a in which the hoist ropes are substantially parallel when the bucket is in an optimal transport position. As concern claims 2 and 3, Little shows four space support points (fig 1) forming a quadrilateral and a parallelogram. As concerns claim 4 and 5, Little shows dumping and transporting is made possible with lengthening one of the hoist ropes and made possible by separately controllable hoist rope drums 13 and 16. As concerns claim 6 and 7, Little shows the host drums are operated by a common drive (fig 2) and separate drives 12 and 15; and as concerns 8 and 9, Little shows the selective engagement means including a clutch mechanism 17/18. As concerns claim 11, Little shows the dumping and transport positions made possible by relative movement between spaced upper supports (fig 1). As concerns claim 21-26, the

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apparatus of Little inherently meets these method claims as noted above in claims 1, 5-7 and 11.

3. Claims 1-5, 11, 21-24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith 2,1204,444. Smith shows a dragline excavator bucket control system with a drag rope and pair of hoist ropes 22, 25 coupled to the opposite ends of the bucket and adjacent to the free end of the boom at spaced support positions 15, 16 in which the hoist ropes are substantially parallel when the bucket is in an optimal transport position. As concern claims 2 and 3, Smith shows four space support points (fig 1) forming a quadrilateral and a parallelogram. As concerns claim 4 and 5, Little shows dumping and transporting is made possible with lengthening one of the hoist ropes and made possible by separately controllable hoist rope drums 23 and 26. As concerns claim 11, Smith shows the dumping and transport positions made possible by relative movement between spaced upper supports (fig 1). As concerns claim 21-24 and 26, the apparatus of Smith inherently meets these method claims as noted above in claims 1, 5, and 11.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Little 1,095,355 in view of Baron 4,509,895. Little fails to show the selective engagement means to include a differential gear assembly. However, Baron shows a dragline excavator bucket control system with a selective engagement mechanism including a differential gear assembly 47/48. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Little, as taught by Baron, to include a planetary gear assembly to create a gear a high torque gear assembly the can hold static loads with reduced gear sizes that simplify manufacturing, thus improving the versatility of the dragline.

#### ***Allowable Subject Matter***

6. Claims 12-17 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A Beach whose telephone number is

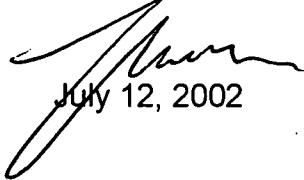
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703.305.4848. The examiner can normally be reached on Monday-Thursday, 8:00am-6:30pm.

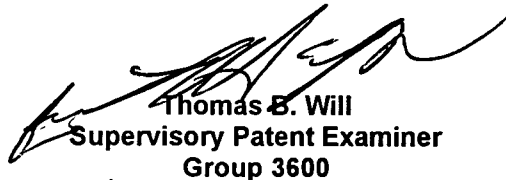
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached on 703.308.3870. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.4198.

Thomas A. Beach



July 12, 2002



Thomas B. Will  
Supervisory Patent Examiner  
Group 3600